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March 26, 2007

The Honorable Sue L. Robinson
United States District Court
844 King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *In re '318 Patent Infringement Litigation,*
Civil Action No. 05-356-SLR (Consolidated)

Dear Chief Judge Robinson:

On behalf of the plaintiffs in the above action, I am writing in brief response to the Barr defendants' March 23, 2007 letter (D.I. 360), in which they advise that they will not respond to plaintiffs' motion to exclude Michael Rainer's testimony at trial (D.I. 358) (the "Motion"), but simply will be prepared to discuss the matter at the pretrial conference given Your Honor's earlier decision not to entertain motions *in limine* in this action.

In the very first paragraph of our Motion, we explained that we are mindful of the Court's practice regarding *in limine* motions, and that we filed this short speaking motion promptly upon learning of Barr's intentions regarding this witness purely out of concern that if we waited until the pretrial conference, Barr would complain that it was prejudiced by that delay. However, given Barr's objection to the filing of our Motion, and its decision not to respond until the pretrial conference, we obviously no longer need worry about hearing such an argument from Barr. If the Court prefers to take up this matter at the pretrial conference, plaintiffs therefore will be pleased to proceed on that basis.

Respectfully,

/s/ Steven J. Balick

Steven J. Balick

SJB/rbg
179228.1

c: John C. Phillips, Jr., Esquire (by hand)
Lynn M. Ulrich, Esquire (via electronic mail)
Frederick L. Cottrell, III, Esquire (by hand)
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